

AMENDED IN ASSEMBLY JUNE 26, 2003

SENATE BILL

No. 1074

Introduced by Committee on Environmental Quality (Senators Sher (Chair), Chesbro, Denham, Figueroa, Kuehl, McPherson, and Romero)

March 19, 2003

An act to amend Section 115840.5 of, and to amend and repeal Section 115825 of, the Health and Safety Code, and to amend ~~Section Sections 21092 and~~ 48003 of the Public Resources Code, relating to environmental health, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1074, as amended, Committee on Environmental Quality. Solid waste: *environmental impact reports*: reservoirs.

Existing law, with certain exceptions, prohibits bodily contact with water in a reservoir in which water is stored for domestic use. Existing law authorizes, until January 1, 2004, recreational uses in the Modesto Reservoir if certain conditions are satisfied.

This bill would *revise these conditions and* delete the January 1, 2004, repeal date, thereby extending this authorization indefinitely. *This bill would also authorize the department to require the Modesto Irrigation District to file a report, as specified, and demonstrate that water quality will not be affected, under certain circumstances.*

Existing law requires any lead agency that is preparing an environmental impact report or a negative declaration, or making a determination pursuant to a specified provision of law, to provide public notice within a reasonable period of time prior to certification of the environmental impact report or adoption of the negative declaration.

This bill would change a cross-reference in this provision and make related changes.

Existing law prohibits the California Integrated Waste Management Board from spending more than $\frac{1}{2}\%$ of the total revenues deposited, or anticipated to be deposited, in the Integrated Waste Management Account during a fiscal year for the administration of certain provisions relating to the board's finances, during that fiscal year.

This bill would delete an obsolete provision in existing law.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115825 of the Health and Safety Code,
2 as amended by Section 1 of Chapter 968 of the Statutes of 2002,
3 is amended to read:

4 115825. (a) It is hereby declared to be the policy of this state
5 that multiple use should be made of all public water within the
6 state, to the extent that multiple use is consistent with public health
7 and public safety.

8 (b) Except as provided in Sections 115840, 115840.5, 115841,
9 and 115842, recreational uses shall not, with respect to a reservoir
10 in which water is stored for domestic use, include recreation in
11 which there is bodily contact with the water by any participant.

12 SEC. 2. Section 115825 of the Health and Safety Code, as
13 amended by Section 2 of Chapter 968 of the Statutes of 2002, is
14 repealed.

15 SEC. 3. Section 115840.5 of the Health and Safety Code is
16 amended to read:

17 115840.5. (a) In the Modesto Reservoir, recreational uses
18 shall not include recreation in which any participant has bodily
19 contact with the water, unless both of the following conditions are
20 satisfied:

21 (1) The water subsequently receives complete water treatment,
22 in compliance with all applicable department regulations,
23 including coagulation, flocculation, sedimentation, filtration, and
24 disinfection, before being used for domestic purposes. The
25 disinfection shall include, but not be limited to, ozonation.



(2) The reservoir is operated in compliance with regulations of the department.

(b) The recreational use may be subject to additional conditions and restrictions adopted by the entity operating the water supply reservoir *or required by the department*, if those conditions and restrictions do not conflict with regulations of the department, and are designed to further protect or enhance the public health and safety.

(c) The Modesto Irrigation District shall file, on or before January 1, 2002, with the Legislature, a report on the recreational uses at Modesto Reservoir and the water treatment program. The report shall include, but not be limited to, all of the following information:

(1) The estimated levels and types of recreational uses at the reservoir on a monthly basis.

(2) Levels of methyl tertiary butyl ether at various reservoir locations on a monthly basis.

(3) A summary of available monitoring in the Modesto Reservoir watershed for giardia and cryptosporidium.

(4) The sanitary survey of the watershed and water quality monitoring plan.

(5) An evaluation of recommendations relating to removal and inactivation of cryptosporidium and giardia as specified in the department water permit dated October 28, 1997.

(6) Annual reports provided to the department, as required pursuant to Sections I and IV of the department water permit dated October 28, 1997.

(7) An evaluation of the impact on source water quality due to recreational activities on the Modesto Reservoir, including any microbiological monitoring.

(8) A summary of any activities between the district and the county for operation of recreational uses and facilities in a manner that optimizes the water quality.

(9) The reservoir management plan and the operations plan.

(10) The annual water quality reports submitted to consumers each year.

(d) If there is a change in operation of the treatment facility or a change in the quantity of water to be treated at the treatment facility, the department may require the Modesto Irrigation District to file a report that includes, but is not limited to, the

1 *information required pursuant to subdivision (c), and the district*
2 *shall demonstrate to the satisfaction of the department that water*
3 *quality will not be affected.*

4 SEC. 4. *Section 21092 of the Public Resources Code is*
5 *amended to read:*

6 21092. (a) Any lead agency ~~which~~*that* is preparing an
7 environmental impact report or a negative declaration or making
8 a determination pursuant to ~~Section 21157~~*subdivision (c) of*
9 *Section 21157.1* shall provide public notice of that fact within a
10 reasonable period of time prior to certification of the
11 environmental impact report ~~or~~, adoption of the negative
12 declaration, *or making the determination pursuant to subdivision*
13 *(c) of Section 21157.1.*

14 (b) (1) The notice shall specify the period during which
15 comments will be received on the draft environmental report or
16 negative declaration, and shall include the date, time, and place of
17 any public meetings or hearings on the proposed project, a brief
18 description of the proposed project and its location, the significant
19 effects on the environment, if any, anticipated as a result of the
20 project, and the address where copies of the draft environmental
21 impact report or negative declaration, and all documents
22 referenced in the draft environmental impact report or negative
23 declaration, are available for review.

24 (2) This section shall not be construed in any manner ~~which~~
25 *that* results in the invalidation of an action because of the alleged
26 inadequacy of the notice content, provided that there has been
27 substantial compliance with the notice content requirements of
28 this section.

29 (3) The notice required by this section shall be given to the last
30 known name and address of all organizations and individuals who
31 have previously requested notice and shall also be given by at least
32 one of the following procedures:

33 (A) Publication, no fewer times than required by Section 6061
34 of the Government Code, by the public agency in a newspaper of
35 general circulation in the area affected by the proposed project. If
36 more than one area will be affected, the notice shall be published
37 in the newspaper of largest circulation from among the newspapers
38 of general circulation in those areas.

39 (B) Posting of notice by the lead agency on- and off-site in the
40 area where the project is to be located.

1 (C) Direct mailing to the owners and occupants of contiguous
2 property shown on the latest equalized assessment roll.

3 (c) For any project involving the burning of municipal wastes,
4 hazardous waste, or refuse-derived fuel, including, but not limited
5 to, tires, meeting the qualifications of subdivision (d), notice shall
6 be given to all organizations and individuals who have previously
7 requested notice and shall also be given by at least the procedures
8 specified in subparagraphs (A), (B), and (C) of paragraph (3) of
9 subdivision (b). In addition, notification shall be given by direct
10 mailing to the owners and occupants of property within one-fourth
11 of a mile of any parcel or parcels on which is located a project
12 subject to this subdivision. This subdivision does not apply to any
13 project for which notice has already been provided as of July 14,
14 1989, in compliance with this section as it existed prior to July 14,
15 1989.

16 (d) The notice requirements of subdivision (c) apply to both of
17 the following:

18 (1) The construction of a new facility.

19 (2) The expansion of an existing facility which burns
20 hazardous waste which would increase its permitted capacity by
21 more than 10 percent. For purposes of this paragraph, the amount
22 of expansion of an existing facility shall be calculated by
23 comparing the proposed facility capacity with whichever of the
24 following is applicable:

25 (A) The facility capacity approved in the facility's hazardous
26 waste facilities permit pursuant to Section 25200 of the Health and
27 Safety Code or its grant of interim status pursuant to Section
28 25200.5 of the Health and Safety Code, or the facility capacity
29 authorized in any state or local agency permit allowing the
30 construction or operation of a facility for the burning of hazardous
31 waste, granted before January 1, 1990.

32 (B) The facility capacity authorized in the facility's original
33 hazardous waste facilities permit, grant of interim status, or any
34 state or local agency permit allowing the construction or operation
35 of a facility for the burning of hazardous waste, granted on or after
36 January 1, 1990.

37 (e) The notice requirements specified in subdivision (b) or (c)
38 shall not preclude a public agency from providing additional
39 notice by other means if the agency so desires, or from providing
40 the public notice required by this section at the same time and in

1 the same manner as public notice otherwise required by law for the
2 project.

3 *SEC. 5.* Section 48003 of the Public Resources Code is
4 amended to read:

5 48003. The state board may not spend more than $\frac{1}{2}$ percent
6 of the total revenues deposited, or anticipated to be deposited, in
7 the account during a fiscal year for the administration of this
8 chapter during that fiscal year.

9 ~~*SEC. 5.*~~

10 *SEC. 6.* This act is an urgency statute necessary for the
11 immediate preservation of the public peace, health, or safety
12 within the meaning of Article IV of the Constitution and shall go
13 into immediate effect. The facts constituting the necessity are:

14 In order to make important changes to statutes concerning
15 environmental health and quality at the earliest possible time, it is
16 necessary that this act take effect immediately.

